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6 Attorneys for Defendant,
7 BARCLAYS CAPITAL REAL ESTATE, INC.
dba HOMEQ SERVICING,
8 erroneously sued herein as HOMEQ SERVICING INC.

9

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13

14 JOHN ALLEN,) Case No.: 3:08-cv-01698 EMC
15 Plaintiff,)
16 V.)
17 HOMEQ SERVICING INC.,)
18 Defendants.)
19

20

21 **DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE**
22 **AND REQUEST FOR REASSIGNMENT TO A UNITED STATES**
23 **DISTRICT JUDGE**

24 The undersigned party in the above-captioned civil matter hereby declines to
25 consent to the assignment of this case to a United States Magistrate Judge for trial
26 and disposition and hereby requests the reassignment of this case to a United
27 States District Judge.

28 // /

DECLINATION TO PROCEED BEFORE MAGISTRATE

DATED: April 7, 2008

HOUSER & ALLISON
A Professional Corporation

By: /s/ Jeffrey S. Allison
ERIC D. HOUSER
JEFFREY S. ALLISON
Attorney for Defendant
BARCLAYS CAPITAL REAL
ESTATE, INC. dba HOMEQ
SERVICING, erroneously sued herein
as HOMEQ SERVICING INC.

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PROOF OF SERVICE
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4

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is 9970 Research Drive, Irvine, California 92618.

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6 On April 8, 2008, I served the following document described as:
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**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE
AND REQUEST FOR REASSIGNMENT TO A UNITED STATES
DISTRICT JUDGE**

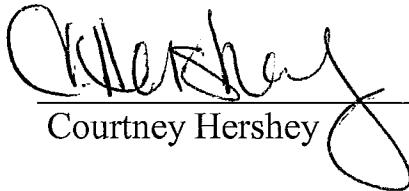
9
10 On the following interested parties in this action:
11
12

Shawn Ridgell
RIDGE & LAWLOR LLP
2128 Broadway
Oakland, CA 94612
(510) 986-1300

13
14
15 [X] VIA MAIL -- By placing a true copy thereof enclosed in a sealed envelope(s) addressed as above, and placing each for collection and mailing on the date following ordinary business practices. I am readily familiar with my firm's business practice and collection and processing of mail with the United States Postal Service and correspondence placed for collection and mailing would be deposited with the United States Postal Service at Irvine, California, with postage thereon fully prepaid that same day in the ordinary course of business.
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20 I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.
21

22 Executed on April 8, 2008, at Irvine, California.
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Courtney Hershey